

e. robert (bob) wallach (SBN 29078)
Lawyer-Counselor
Law Offices of e. robert (bob) wallach, P.C.
P. O. Box 2670
San Francisco, CA 94126-2670
155 Jackson Street, No. 602
San Francisco, CA 94111
415.989.6445

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Alan L. Barry
Amy G. O'Toole
Noelle J. Quinn
Bell, Boyd & Lloyd, LLC
Three First National Plaza, Suite 3300
70 West Madison Street
Chicago, IL 60602
312.372.1121
(*pro hac vice applications pending*)

Jeffrey W. Shopoff (SBN 46278)
Shopoff & Cavallo LLP
353 Sacramento Street, Suite 1040
San Francisco, CA 94111
415.984.1975

Attorneys for Plaintiff Sharper Image
Corporation

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BROOKSTONE COMPANY, INC., a New
Hampshire corporation,

Plaintiff,

v.

SHARPER IMAGE CORPORATION, a
Delaware corporation.

Defendant.

Case No. 04 10907 MEL

WAIVER OF SERVICE OF
SUMMONS

WAIVER OF SERVICE OF SUMMONS

Sharper Image Corporation ("Sharper Image") acknowledges receipt of Brookstone Company, Inc.'s ("Brookstone") request that it waive service of summons in the action of

Brookstone Company, Inc. v. Sharper Image Corporation, which is case number 04 10907 (MEL) in the United States District Court for the District of Massachusetts.

Sharper Image agrees to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that it be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

Sharper Image will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

Pursuant to agreement of the parties, Sharper Image understands that a judgment may be entered against it if an answer or motion under Rule 12 is not served upon Brookstone's counsel on or before June 25, 2004.

DATE: May 16, 2004

SHARPER IMAGE CORPORATION

By: 

Amy O'Toole
Bell, Boyd & Lloyd
Three First National Plaza, Suite 3300
70 West Madison Street
Chicago, IL 60602